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PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: GARY W. LAMPKINSApplication No.: 10/046,164Art Unit: 3728Filed: 1/16/02Examiner: Anthony StashickTitle: STAYTIE II

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

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OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ 200. (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

☒ has been filed previously on August 24, 2005.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

10/14/05
Date

GARY W. LAMPKINS
Typed or printed name

Registration Number, if applicable

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307 440-4278

Telephone Number

Fort Washington, MD 20744
Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being: Hand Delivered

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

10/17/05
Date

Signature

GARY W. LAMPKINS
Typed or printed name of person signing certificate



#12

Gary w. Lampkins
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Fort Washington, Md.
20744

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U.S. Patent and Trademark Office
Washington, D.C. 20231
C/O Anthony Stashick, Examiner

October 14, 2005

RE: Petition to revise application 10/046,164


Dear Office of Petitions,

Please find enclosed a "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)". Also find enclosed the response to the examiner's office action.

Be advised that all pertinent information such as address, telephone and etc. are the same in reference to this matter.

Thank you in advance for your cooperation, and I look forward to a speedy resolution in this matter.

Sincerely,


Gary W. Lampkins
Applicant

10/046,164

REMARKS TO EXAMINER'S FINDINGS

1. New claims 3, 4, 5, and 6 of this application is patentable over prior art namely Lavielle, Blum and Anderson in light of the fact that said prior art does not disclose two extremely flexible retaining members with an ability to adjust to the thickness or the lack thereof of the shoestring material which will ultimately maintain the integrity of the knot.

SUBMITTED BY,

Gary W. Lampkins

appl. No. 10/046,164

Claim 3. (New) A combination shoe and shoelace retaining device comprising of two substantially flexible wrapping interlocking retaining members, joined together by a flexible arm, with a flexible loop extension attached thereto, which allows the device to be attached to a shoe by the flexible loop extension being inserted through a shoelace hole and inserted through said flexible loop to form a noose around the upper of the shoelace hole and surrounding shoe material, thereby allowing the device to be semi attached to said shoe.

Claim 4. (New) A combination shoe and shoelace retaining device as described in claim 1 wherein the device is made a permanent part of the shoe.

Claim 5. (New) A shoelace retaining device comprising of two substantially flexible wrapping interlocking retaining members joined together by a flexible arm.

Claim 6. (New) A shoelace retaining device comprising of a substantially flexible wrapping interlocking retaining member.